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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,650	12/10/2001	Masanori Ohtsuka	2975.0012	2195

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EXAMINER

SMITH, ARTHUR A

ART UNIT PAPER NUMBER

2851

DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,650

Applicant(s)

OHTSUKA, MASANORI

Examiner

Arthur A Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 31 March 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Applicant's arguments filed 3/31/03 (paper #9) have been fully considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Takagi (USPN 5319416).

In reference to claims 1, 10, 18 and 28 Takagi discloses a photometric device, ref. 10, comprising a first area, ref. F4 (11d), including a plurality of photoelectric transfer elements for performing photometry in the first area, ref. B1-B24, a plurality of second areas, ref. F1-F3, each included in the first area and sharing photoelectric elements, ref. B1-B24, with the first area, for performing photometry in the plurality of second areas, see fig. 3 and col. 4 lines 9-18; and determination means (S5) for correcting a photometric result in the first area when a difference greater than a predetermined value exist among photometric results in the plurality of second areas, and determining whether a backlight state exists based on the corrected photometric result in the first area, col. 4 line 55 – col. 5 line 4.

In reference to claims 2 and 11 Takagi discloses wherein the determination means corrects the photometric result in the first area on the basis of a ratio of an average value of the photometric results in said plurality of second areas to a value

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indicating the highest luminance or lowest luminance of the photometric results in said plurality of second areas, col. 5 lines 5-64.

In reference to claims 3 and 12 Takagi wherein the determination means corrects the photometric result in the first area on the basis of a proportion of photometric results falling within a predetermined high-luminance range or low-luminance range of the photometric results in said plurality of second areas.

In reference to claims 4, 13, 23 and 33 Takagi discloses wherein the photometric device comprises an overall area including the first area and a peripheral area around the first area, and said determination means determines a backlight state exists when a difference greater than a predetermined reference value exists between the photometric result in said predetermined area and a photometric result in a peripheral area around said predetermined area, col. 5 lines 27-32.

In reference to claims 5, 22 and 32 Takagi discloses a plurality of photoelectric conversion means, ref. B1-B24, arranged on the overall area where photometry can be performed, wherein a sum of outputs from photoelectric conversion means included in the first area or a value corresponding to an output indicating the lowest luminance of the outputs from the photoelectric conversion means included in said predetermined area is used as the photometric result in the first area, col. 4 lines 14-18 (shows the sum of certain conversion means representing the first area), and values corresponding to the outputs from the respective photoelectric conversion means included in the first area are used as the photometric results in said second areas, col. 4 lines 44-54.

In reference to claims 6, 14, 24 and 34 Takagi discloses a plurality of photoelectric conversion means, ref. B1-B24, arranged on the overall area where photometry can be performed, wherein a sum of outputs from photoelectric conversion means included in the first or a value corresponding to an output indicating the lowest luminance of the outputs from the photoelectric conversion means included in said predetermined area is used as the photometric result in the first area, col. 4 lines 14-18 (shows the sum of certain conversion means representing the first area), and a value corresponding to a sum of outputs from photoelectric conversion means other than the photoelectric conversion means included in the first area is used as a photometric result in a peripheral area, col. 5 line 27-40.

In reference to claims 7, 15, 25 and 35 Takagi discloses wherein the photometric device comprising an overall area including the first area and a peripheral area around the first area, and wherein said determination means determines a backlight state exists when a difference greater than a predetermined reference value exists between the photometric result in said predetermined area and a photometric result in said overall area, col. 5 lines 47-64.

In reference to claims 8, 16, 26 and 36 Takagi discloses a plurality of photoelectric conversion means, ref. B1-B24, arranged on the overall area where photometry can be performed, wherein a sum of outputs from photoelectric conversion means included in the first area or a value corresponding to an output indicating the lowest luminance of the outputs from the photoelectric conversion means included in said predetermined area is used as the photometric result in the first area, col. 4 lines

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14-18 (shows the sum of certain conversion means representing the predetermined area), and a value corresponding to a sum of outputs from the photoelectric conversion means in the overall area is used as the photometric result in the overall area, col. 5 lines 47-64.

In reference to claims 9, 17, 27 and 37 Takagi discloses wherein a value corresponding to a sum of outputs from photoelectric conversion means included in the first area is used as the photometric result in the first area when at least one of the outputs from the photoelectric conversion means is less than a predetermined value, and a value corresponding to an output indicating the lowest luminance of the outputs from the photoelectric conversion means included in the first area is used as the photometric result in the first area when all the outputs from the photoelectric conversion means are greater than the predetermined value, col. 6 lines 23-49.

In reference to claims 19-21 and 29-31, Takagi discloses wherein photometry and distance measurement are performed in each of said plurality of second areas, col. 4 lines 4-14 and lines 44-54.

In reference to 38, Takagi discloses wherein operations for taking pictures are controlled on the basis of at least one of the photometric result in the first area and the backlight determination result, col. 9 lines 23-29.

Response to Arguments

Applicant's arguments filed 3/31/03 (paper#9) have been fully considered but they are not persuasive. Applicant contends that although the Takagi reference discloses a photometry device including photoelectric elements it fails to disclose

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wherein the photoelectric elements of a first area are shared with the photoelectric elements for a second area. However, the Examiner disagrees. For example, in fig. 3, of Takagi ref. F4 can be considered to be the first area and ref. F1-F3 can be considered to be plurality of second areas. Further, as can be seen from fig. 3, the photoelectric elements ref. B1-B24 are shared by the first area, ref. F4 and the plurality of second areas, ref. F1-F3.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

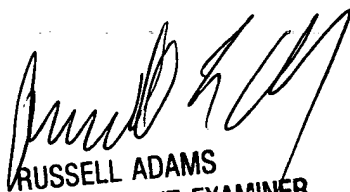
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur A Smith whose telephone number is (703) 605 1228. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays during the same hours.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308 2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872 9318 for regular communications and (703) 872 9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

AAS
June 17, 2003


RUSSELL ADAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800